

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAI‘I

DAVID LUKELA KAWELO, SR.,  
ROCHELLE NOHEA KAWELO,

Plaintiffs,

v.

JP MORGAN CHASE BANK, *et al.*,

Defendants.

Case No. 19-cv-00598-DKW-WRP

**ORDER ADOPTING IN PART AND  
FINDING MOOT IN PART  
MAGISTRATE JUDGE’S  
FINDINGS AND  
RECOMMENDATION**

This matter comes before the Court following the May 21, 2020 Order in which the assigned Magistrate Judge’s Findings and Recommendation (F&R)—to dismiss this action without prejudice for failure to timely serve the summons and complaint—was held in abeyance after Plaintiffs’, David Lukela Kawelo, Sr. and Rochelle Nohea Kawelo (collectively, Plaintiffs), as construed motion for extension of time was granted in part to allow Plaintiffs an additional 14 days to serve each of the defendants.

On June 3, 2020, prior to the expiration of the additional 14-day period, Plaintiffs filed four separate executed summonses, one of which attached a further executed summons, pursuant to which Plaintiffs, arguably, purport to have served Defendants JP Morgan Chase Bank, Chase Home Finance, Alridge Pite LLP,


Zachary K. Kondo, and Cui Mei Ho. *See* Dkt. Nos. 11-14. No other executed summonses have been filed and the additional 14-day period has now passed.

In this light, because Plaintiffs have arguably filed executed summonses for some of the defendants, for present purposes, the Court finds the F&R to be MOOT with respect to the following defendants: JP Morgan Chase Bank, National Association; Chase Home Finance; Alridge Pite LLP; Zachary K. Kondo; and Cui Mei Ho.<sup>1</sup> However, because no summons has been returned executed with respect to any other defendant, the Court ADOPTS the F&R with respect to Defendant MERS (Mortgage Electronics Registration Systems) and, therefore, dismisses that unserved defendant without prejudice pursuant to Federal Rule of Civil Procedure 4(m).

IT IS SO ORDERED.

Dated: June 9, 2020 at Honolulu, Hawai‘i.



  
Derrick K. Watson  
United States District Judge

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*David Lukela Kawelo Sr et al vs. JP Morgan Chase Bank et al;* Civil No. 19-00598 DKW-WRP;  
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<sup>1</sup>That being said, the Court makes no finding as to whether the foregoing defendants have been properly served.